



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5722/1
ARG:kjf

2019 SENATE BILL 882

February 28, 2020 - Introduced by Senators TESTIN and SCHACHTNER, cosponsored by Representatives THIESFELDT, HORLACHER, C. TAYLOR, MILROY, SANFELIPPO and SPREITZER. Referred to Committee on Universities, Technical Colleges, Children and Families.

- 1 **AN ACT** *to create* 36.11 (22m) and 38.12 (16) of the statutes; **relating to:**
2 reasonable accommodations for University of Wisconsin System and technical
3 college students who are victims of sexual violence and harassment.

Analysis by the Legislative Reference Bureau

This bill requires each University of Wisconsin System school and each technical college to ensure the safety and continued access to education of student victims of sexual violence and harassment by providing these student victims with reasonable accommodations, including, to the extent they are reasonably available, housing and academic accommodations and campus escorts. The bill defines “sexual violence and harassment” to mean sexual harassment, sexual assault, stalking, or domestic abuse, as these terms are defined or prohibited under other provisions of current law. A UW System school or technical college must notify a student victim of the student’s right to these accommodations as soon as the student reports the sexual violence and harassment to the school or technical college, the school or technical college becomes aware that the student filed a report of sexual violence and harassment, or notice is received by the school or technical college from a law enforcement agency that the student filed a report of sexual violence and harassment, regardless of whether the student pursues a formal investigation through the school, technical college, or law enforcement, and must grant a student victim these accommodations upon the student’s request. A UW System school or technical college may not impose any additional fees or academic penalties on a student victim in response to making these accommodations.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 36.11 (22m) of the statutes is created to read:

2 **36.11 (22m) REASONABLE ACCOMMODATIONS FOR VICTIMS OF SEXUAL VIOLENCE AND**
3 **HARASSMENT.** (a) In this subsection, “sexual violence and harassment” means any of
4 the following acts:

5 1. Sexual harassment, as defined in s. 111.32 (13).

6 2. Sexual assault, as prohibited under s. 940.225.

7 3. Stalking, as prohibited under s. 940.32.

8 4. Domestic abuse, as defined in s. 813.12 (1) (am).

9 (b) The board shall direct each institution and college campus to ensure the
10 safety and continued access to education of each student who has been a victim of
11 sexual violence and harassment by providing student victims of sexual violence and
12 harassment with reasonable accommodations. Accommodations must be offered in
13 the following areas, to the extent that they are reasonably available:

14 1. Housing or residential accommodations.

15 2. Campus escorts.

16 3. Academic accommodations.

17 4. Transportation arrangements.

18 5. Mental health and disability services.

19 6. Student loan counseling, for a student who wishes to withdraw.

20 7. Campus employment accommodations.

21 8. Access or referral to medical care either on campus or in the community.

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1 9. Victim advocate resources.

2 (c) 1. Each institution and college campus shall notify a student victim of the
3 student victim's right to accommodations under par. (b) as soon as the student
4 reports the sexual violence and harassment to the institution or college campus, the
5 institution or college campus becomes aware that the student filed a report of sexual
6 violence and harassment, or notice is received by the institution or college campus
7 from a law enforcement agency that the student filed a report of sexual violence and
8 harassment, regardless of whether the student victim pursues a formal investigation
9 through the institution or college campus or a law enforcement agency.

10 2. Each institution and college campus shall grant a student victim
11 accommodations under par. (b) upon the student's request for such accommodations,
12 regardless of whether the student victim pursues a formal investigation through the
13 institution or college campus or a law enforcement agency.

14 3. An institution or college campus may not impose any additional fees or
15 academic penalties on a student victim in response to making accommodations
16 under par. (b).

17 (d) Nothing in this subsection prevents an institution or college campus from
18 imposing sanctions on a perpetrator as a result of disciplinary proceedings conducted
19 by the institution or college campus.

20 **SECTION 2.** 38.12 (16) of the statutes is created to read:

21 **38.12 (16) REASONABLE ACCOMMODATIONS FOR VICTIMS OF SEXUAL VIOLENCE AND**
22 **HARASSMENT.** (a) In this subsection, "sexual violence and harassment" means any of
23 the following acts:

24 1. Sexual harassment, as defined in s. 111.32 (13).

25 2. Sexual assault, as prohibited under s. 940.225.

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1 3. Stalking, as prohibited under s. 940.32.

2 4. Domestic abuse, as defined in s. 813.12 (1) (am).

3 (b) Each district board shall ensure the safety and continued access to
4 education of each student of a technical college in the district who has been a victim
5 of sexual violence and harassment by providing student victims of sexual violence
6 and harassment with reasonable accommodations. Accommodations must be offered
7 in the following areas, to the extent that they are reasonably available:

8 1. Housing or residential accommodations.

9 2. Campus escorts.

10 3. Academic accommodations.

11 4. Transportation arrangements.

12 5. Mental health and disability services.

13 6. Student loan counseling, for a student who wishes to withdraw.

14 7. Campus employment accommodations.

15 8. Access or referral to medical care either on campus or in the community.

16 9. Victim advocate resources.

17 (c) 1. Each district board shall notify a student victim of the student victim's
18 right to accommodations under par. (b) as soon as the student reports the sexual
19 violence and harassment to a technical college in the district, the technical college
20 becomes aware that the student filed a report of sexual violence and harassment, or
21 notice is received by the technical college from a law enforcement agency that the
22 student filed a report of sexual violence and harassment, regardless of whether the
23 student victim pursues a formal investigation through the technical college or a law
24 enforcement agency.

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1 2. Each district board shall grant a student victim accommodations under par.
2 (b) upon the student's request for such accommodations, regardless of whether the
3 student victim pursues a formal investigation through the technical college or a law
4 enforcement agency.

5 3. A district board may not impose any additional fees or academic penalties
6 on a student victim in response to making accommodations under par. (b).

7 (d) Nothing in this subsection prevents a district board from imposing
8 sanctions on a perpetrator as a result of disciplinary proceedings conducted by the
9 district board.

10 **SECTION 3. Initial applicability.**

11 (1) This act first applies to the academic year beginning after the effective date
12 of this subsection.

13

(END)